IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3052 OF 2004

Khushal Ramji Mistry..... ... Petitioner.

Versus

The State of Maharashtra & Ors..... Respondents.

Mr. V. V. Pai for the Petitioner.

Mr. D. A. Patil, AGP for Respondent Nos.1 to 3.

Mr. D. S. Padwal i/by Mr. Unnikrishnan
for Respondent No.4.

CORAM : S. A. BOBDE, J.

DATED : 25TH APRIL, 2005.

P.C.:

Rule.

2. Learned Counsel appearing for the respective respondents waive service of Rule. By consent, Rule made returnable and heard forthwith.

3. After hearing the matter for some time, the following order is passed by consent.

4. The impugned order, Exhibit "I" to the petition, passed by the Administrator / Commissioner, Konkan Division, Mumbai in Appeal/Desk/Slum 187/03 is hereby quashed and set aside. The matter is remanded back to the appellate authority for consideration of the question whether the disputed land claimed by the petitioner was notified as a slum in accordance with the provisions of the Maharashtra Slums (Improvement, Rehabilitation and Redevelopment) Act, 1971.

5. All other contentions on merits are kept open.

6. The appellate authority shall hear and decide the matter within a period of six weeks from the date the parties appear before it. Parties are directed to appear before the appellate authority on 6th June, 2005.

7. In the meanwhile, parties shall maintain status quo pending decision of the appeal.

8. Rule made absolute in the above terms. Writ Petition is disposed of. No order as to costs.

Sd/-

(S. A. BOBDE, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1748 OF 2004

IN

WRIT PETITION NO. 3052 OF 2004

Khushal Ramji Mistry..... ... Petitioner.

Versus

The State of Maharashtra & Ors..... Respondents.

Mr. V. V. Pai for the Petitioner.

Mr. D. A. Patil, AGP for Respondent Nos.1 to 3.

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DATED : 25TH APRIL, 2005.

P.C.:

In view of the disposal of the writ petition itself, this civil application does not survive and is disposed of as such.

Sd/-

(S. A. BOBDE, J.)